

REMARKS

Reconsideration of the subject application as amended herein is respectfully requested.

REQUEST REGARDING THE FINALITY OF THE LAST OFFICE ACTION

The previous amendment is just one of several amendments AND AN APPEAL BRIEF that was filed by the undersigned in the present application. In all of these amendments, it was emphasized that a key feature of the present invention is that it pertained to an article of clothing having a flexible display formed on said clothing article of a layer of a light emitting polymer and a fabric base, said flexible display having fabric-like characteristics. The Examiner has now come up with two new references and argues that these render the claims unpatentable. The Examiner further states that "the applicant's latest amendment necessitated the new ground(s) of rejection"

The Applicant disagrees. All the limitations have been in the claims previously and discussed in detail, especially in the Appeal Brief. Accordingly, it is improper for the Examiner to declare the last office action FINAL because the applicant deserves a chance to fully respond to the rejection.

ON THE MERITS

The claims have been rejected once again on the grounds that they are obvious in view of the Lebensfeld in view of Samuel. The Applicant disagrees with the Examiner's reasoning that leads to this conclusion.

Lebensfeld discloses a vest that can be worn over the body during simulated war games. The vest includes several elements, including a display. The specification recites that the display 82 could be a seven-segment LED display but could be made an LCD display as well. The following features differentiate the subject invention over this reference.

A. Seven-segment LED or LCD displays can be used to generate alphanumeric characters.

B. LED and LCD displays are inherently stiff, non-flexible materials that are inherently non-pliable and cannot be described as having fabric-like characteristics.

C. It does not have the capability to display images.

Samuel discloses a light emitting polymer for use as an LED substitute. As the Examiner has recognized, the reference fails to disclose a light emitting device that has is pliable like a fabric. In fact, the only examples that are given in Samuel all contain a glass substrate. Such a substrate inherently is stiff and not pliable. The Examiner fails to point to any indication in Samuel which would teach a person skilled in the art that the Samuel structure is pliable. It is true that there is some mention of use of this structure on clothing but there is nothing to suggest that the structure itself is pliable.

The Applicant further takes issue with the Examiner's statement that Samuel pertains to the same field of art as Lebensfeld. Lebensfeld pertains to games. Samuel pertains to LED substitutes.

In summary, the Examiner failed to disclose of any references that teach a person skilled in the art a light emitting device that has physical characteristics, such as pliability, similar to a fabric.

It is respectfully submitted that the subject application is patentably distinguishable over the prior art of record and therefore it should be allowed.

Respectfully submitted,

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